

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 202004080	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 9:30 PM	Location of Incident: northeast corner of 4th Avenue and East 14th Street	Precinct: 13	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/08/2020 3:24 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/08/2020 3:24 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B. An officer	Force: An officer struck § 87(2)(b) [REDACTED] with a baton.	[REDACTED]
C. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On June 8, 2020, § 87(2)(b) filed this complaint with the CCRB via the agency's website. § 87(2)(b) the other victim in this complaint, will be referred to as § 87(2)(b) with no honorific henceforth in this report upon their request.

On May 30, 2020, at approximately 9:30 p.m., § 87(2)(b) was with her roommate, § 87(2)(b) at the northeast corner of East 14th Street and 4th Avenue in Manhattan publicly demonstrating with other civilians against police brutality. During crowd dispersal by officers at that corner, unidentified officers pushed § 87(2)(b) to the ground (**Allegation A: Force**, § 87(2)(g)). Another unidentified officer pushed § 87(2)(b) to the ground with their baton and stepped on their crotch (**Allegations B and C: Force**, § 87(2)(g)). An unidentified uniformed officer in a white shirt told them to leave the area and § 87(2)(b) and § 87(2)(b) left the location.

No arrests or summonses were made regarding this incident.

The investigation was unable to locate any video evidence pertaining to this incident. Body-worn camera results were negative as indicated by the NYPD Legal Bureau (BR 01-02). TARU footage was not provided by the NYPD as the requests were processed outside the 30-day retention period (BR 29-30). Files collected from a nearby business, § 87(2)(b) were not playable as video media (BR 03). Footage from the New York City Metropolitan Transit Authority (MTA) only captured underground locations in the East 14th Street-Union Square subway station, impertinent to this investigation as no misconduct was alleged there (BR 04-12).

Findings and Recommendations

Allegation A – Force: Officers used physical force against § 87(2)(b)

In her online complaint, § 87(2)(b) stated officers pushed her for not walking fast enough in the Union Square area (BR 13). After repeated contact attempts to § 87(2)(b) by phone and by email, she emailed the investigation to inform that she did not want to participate in the complaint. She was forwarded the CCRB's procedural questions for a complaint withdrawal, but she did not return that email.

§ 87(2)(b) stated they stood on the northeast corner of East 14th Street and 4th Avenue with § 87(2)(b) and dozens of other unfamiliar citizens peacefully protesting police brutality (BR 14-15). § 87(2)(b) stood just off the curb or on the sidewalk near the curb with § 87(2)(b). Multiple unidentified officers grabbed metal barricades strewn throughout the intersection and linked them together to make a line of barricades on the sidewalk, preventing protestors on East 14th Street from moving west or onto 4th Avenue. Over a loudspeaker in the nearby vicinity was a message repeatedly ordering people to get on the sidewalk or they would be arrested. § 87(2)(b) and other protestors were forced eastward on the sidewalk by officer and barricade movement. A large group of officers from the street moved onto the sidewalk and repeatedly told protestors to move. § 87(2)(b) and other protestors continued moving eastward in compliance with officers' orders, at which point she no longer observed § 87(2)(b). After officers moved barricades onto the sidewalk, § 87(2)(b) next saw § 87(2)(b) on the ground. § 87(2)(b) did not observe how § 87(2)(b) got to the ground. They helped § 87(2)(b) to her feet and they both left the area.

§ 87(2)(g)

Allegation B – Force: An officer struck § 87(2)(b) with a baton.

Allegation C – Force: An officer used physical force against § 87(2)(b)

Known Facts and General Descriptions

§ 87(2)(b) described the subject of these allegations as a white male standing between 5'7" to 6' tall with a medium build, short dark brown hair, and a blue uniform with a formal cap. § 87(2)(b) described the witness officer as a bald black male standing at 6' tall with medium build in his 30s or 40s with dark eyes, thick dark eyebrows, a clear even skin tone, and a uniform with a white shirt. No video was obtained to depict either officer and § 87(2)(b) was unable to provide any specific identifying information for either officer. No video footage was recoverable from the store in front of which these allegations took place, § 87(2)(b) and MTA footage covered no aboveground areas. Due to the highly general description of the subject officer without any additional evidence, the investigation was unable to lead any line of investigation into his identity.

BWC

Two requests for BWC footage were met with negative results by the NYPD. In the first request, search parameters covered all videos recorded within the 13th Precinct, with additional checks of Strategic Response Group (SRG) 1 and Emergency Services Unit (ESU), from 8:00 p.m. to 9:00 p.m. on the incident date and returned 45 non-responsive videos. In the second request, search parameters covered all videos recorded within the 13th Precinct, with additional checks of SRG Citywide, SRG 1, Disorder Control Unit, Critical Response Command, Counterterrorism Bureau, Lower Manhattan Security Initiative, and the World Trade Center Command, from 9:00 p.m. to 10:30 p.m. on the incident date and returned 45 non-responsive videos.

NYPD Documents Reviewed

In an attempt to identify the witness officer, for whom § 87(2)(b) provided a specific description, the investigation referred to the two sets of documents specific to NYPD personnel policing the protests on the incident date: detail rosters provided by Patrol Borough Manhattan South and arrest reports in the Precinct of occurrence (13th) and two neighboring Precincts (6th and 9th). It is noted that though all rosters listed officers assigned together, specific locations and assignments were not listed for most of those assignments; the most specific location provided was Union Square Park. From the detail rosters, ten officers ranking lieutenant or above were identified, two of whom offered a potential match to the witness officer: Lt. Welington Feliz of Transit Bureau District 2 and Lt. Donny Ramoutar of the 10th Precinct (BR 16). Arrest reports identified an additional five officers ranking lieutenant or above, but none were matches for the witness officer's physical description (BR 17-19). In those arrest reports, Lt. Feliz and Lt. Ramoutar were also named as supervising certain arrests. A photograph provided by the NYPD depicts Lt. Feliz as a 56-year old dark-skinned Hispanic male standing at 6' tall with average build, brown eyes, and a full of head of hair cut close to his head (BR 20). Lt. Feliz's eyebrows are noticeably faded. A photograph provided by the NYPD depicts Lt. Ramoutar as a § 87(2)(b) old dark-skinned Asian male standing at 5'9" tall with an average build, brown eyes, and a full of head of hair (BR 22). Lt. Ramoutar's eyebrows are neither significantly faded nor pronounced. Requests for TARU footage were submitted within the 30-day retention period but were processed by the NYPD after that period. TARU personnel further stated that the format of the request was not processable, despite positive results returned for a similarly formatted request in unrelated CCRB case #202003697 (BR 29-30). Footage from that case was reviewed by the investigation due to its alleged occurrence on the same date at a nearby time and location but deemed impertinent as none covered both this specific alleged incident location and time.

Concurrent Investigations

No other agencies or investigative bodies were identified as conducting any concurrent investigations into these allegations.

On October 28, 2020, IAB confirmed there were no concurrent investigations by the NYPD.

Ranking Officers

No officers, commanding or otherwise, were confirmed to be on scene at the time of this incident due to lack of specific documentation pertaining to this specific incident, lack of available video evidence, and the lack of any such information specific to these allegations provided in subsequently mentioned officer interviews.

Officers Interviewed

Lt. Feliz was interviewed due to his partial match to the alleged witness officer and he denied being at East 14th Street and 4th Avenue at the time of the incident (BR 21). He and his assigned team of officers were at East 6th Street and Cooper Square, approximately 10 blocks from the incident location, dealing with a disorderly group and effecting arrests. He was familiar with the northeast corner of 4th Avenue and East 14th Street. He never observed crowd dispersal or barricades being set up there. Lt. Feliz did not observe any officer run at and push a civilian with a baton. He never observed an officer step on a civilian's crotch. He observed no physical interactions between officers and civilians at all in the vicinity of Union Square Park. When provided a description of § 87(2)(b) Lt. Feliz did not recall seeing any such individual. He did not tell any civilians to leave the area or get out of the area. His appearance at his interview was consistent with his MOS photo.

Arrest reports § 87(2)(b) confirm that Lt. Feliz supervised arrests of members of a disorderly group at East 6th Street and Cooper Square on May 30, 2020, at 9:30 p.m. (BR 18).

Lt. Ramoutar was interviewed due to his partial match to the alleged witness officer and he had no recollection of where he was or what he was doing at the time of the incident (BR 23). He was detailed to East 11th Street and 4th Avenue for the protests, arriving at the location at approximately 1:00 p.m., and was on East 14th Street at some point during the day but could not pinpoint any specific time. Lt. Ramoutar is familiar with the intersection of East 14th Street and 4th Avenue. He did not have any specific recollection of being at that intersection on the incident date. At the alleged date and time, he did not recall observing or assisting in crowd dispersal, including chasing civilians into the subway, issuing commands to disperse, or barricade placement. When provided a description of § 87(2)(b) he did not recall observing such an individual. When provided the alleged subject officer description, Lt. Ramoutar did not recognize anyone specific. He did not recall seeing an officer push a back-pedaling civilian in the chest. He did not recall seeing any officer push a civilian over and step on their crotch. He did not recall observing that civilian getting up to assist a Hispanic female on the ground. Lt. Ramoutar's appearance at his interview was consistent with his MOS photo and he confirmed that he had a full head of hair that was not buzzed low on the incident date.

Allegation Recitation and Disposition

§ 87(2)(b) stated that, as officers ordered protestors to move, they faced eastward and walked that direction down East 14th Street a few steps when they felt a push in their back and a voice stated, "Walk away." § 87(2)(b) continued walking for another 10 to 20 feet before turning around. They held up a cardboard sign protesting police brutality in front of their head and walked backward five to ten seconds. The sign blocked the top half of § 87(2)(b)'s field of vision. They observed the subject officer run toward them while he held his baton horizontally with both hands in front of his chest with extended arms. § 87(2)(b) was not sure if this was the same officer who had initially pushed their back. He ran into § 87(2)(b) causing the baton to collide with their chest. § 87(2)(b) fell backwards, landing on their back and hitting the back of their head on the ground. They did not sustain any head injuries but described a bruise on their sternum and scrapes on their right elbow as the only visible injuries sustained, as well as whiplash. § 87(2)(b) had no traces of these injuries at the time of their interview and had not documented them earlier or received any medical treatment.

§ 87(2)(g)

- This case was not eligible for mediation due to its association with the 2020 protests against police brutality.
- On September 25, 2020, the Office of the New York City Comptroller emailed negative results for any related Notices of Claim (BR 26).
- § 87(2)(b)